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**AN ORDINANCE
BY: COUNCILMEMBER HOWARD SHOOK**

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**AN ORDINANCE TO AMEND THE CITY OF ATLANTA
SIGN ORDINANCE BY ADDING A NEW SECTION 16-
28A.010(19) REGULATING THE SIGNAGE ALLOWED IN
THE BUCKHEAD VILLAGE SPECIAL PUBLIC INTEREST
ZONING DISTRICT (SPI 9); AND FOR OTHER
PURPOSES.**

WHEREAS, the intent of the City Council in establishing the new zoning regulations for SPI-9 was to encourage the redevelopment of properties within the Buckhead Village consistent with the community vision established in the City of Atlanta Comprehensive Development Plan, the 1999 Vision for the Buckhead Village, the 2001 Buckhead LCI Plan, 2005 Buckhead Village Parking & Circulation Study, and the 2007 Piedmont Area Transportation Plan; to provide for a balanced mix of office, retail, commercial, residential and related uses within the SPI-9 District so as to serve the needs of the Buckhead community, surrounding residential neighborhoods, and specialty shoppers and visitors; to provide for appropriate transitions from the high intensity areas along Peachtree Road to the mixed-use character of the surrounding village areas and the lower density residential neighborhoods that border the district and to prevent incompatible commercial uses and minimize commercial parking in residential neighborhoods; and to implement the community vision through the provision of specific Graphic Standards to provide a pleasing, cohesive urban aesthetic for the district through vibrant, quality design

WHEREAS, SPI-9 has certain unique sign needs due to the specialty character of the retail and commercial environment, the configuration of streets, including private streets, driveways and courtyards, and the mixed-use character or the high intensity areas along Peachtree Road and surrounding village areas ; and

WHEREAS, it is recognized elsewhere in the City of Atlanta Sign Ordinance that commercial necessity requires that the individual businesses located within such shopping centers be more easily recognized through the use of signage near or adjacent to the street or streets, including limited access roadways, providing the vehicular access; and

WHEREAS, in accord with the intent of the SPI 9 regulations, it is in the best interest and welfare of the citizens and visitors to the City of Atlanta that signs be appropriately regulated as to size and placement; and

WHEREAS, both of these interests can be satisfied by allowing signage of a certain size which is located a manner that allows for the construction of sidewalks and does not obscure visibility for traffic turning in and out of the premises;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That Section 16-28A.010(19) of the City of Atlanta Sign Ordinance which reads:

(19) *SPI-9 Buckhead Commercial Core District:* The regulations of the C-3 (Commercial residential) district shall apply.

be amended such that Section 16-28A.010(19) be amended to read as follows:

(19) *SPI 9 Buckhead Village District:* Signs shall be permitted in the SPI 9 District as follows:

(a) *Subarea Regulations:* Specific subarea regulations may allow signage that is not permitted in other subareas or exceeds the height otherwise permitted by the Sign Ordinance.

(i) Core Village Subarea

(1) The height of any business identification sign or building signature sign on any building frontage on Pharr Road may be sixty (60) feet.

(b) *Definitions:* For purposes of this section the following words, terms and phrases shall, when used in this Section, have meanings ascribed to them in this article except where the context clearly indicates a different meaning:

(i) Sidewalk-level: shall be defined per Section 16-18I.006(1).

(ii) Public street: any public right-of-way including such right of way that is only accessible by pedestrians.

(iii) Private street: any area that is fully accessible to vehicular traffic but that is not interior to a building or parking structure.

(iii) Monument Sign: A permanent sign not attached to a building and constructed directly and continuously upon the ground or a grade level support structure with no separation between the sign and the grade. Such signs shall not be supported by columns, uprights, poles or braces and shall be of continuous solid construction without holes, gaps, or spacing; otherwise they shall be considered freestanding signs.

(iv) Freestanding Sign: A sign that does not extend over any portion of a building and is not attached to a building or any structure other than its own support by one (1) or more columns, uprights or braces in or upon the ground.

(c) *Type, Number, and Area of Building Signs:*

(i) *Type*: Wall signs, projecting signs, canopy signs, parapet wall signs, monument signs, freestanding signs, suspended signs, and marquee signs shall be permitted.

(ii) *Number*:

(A) Three (3) business identification signs shall be allowed on the premises of active sidewalk level uses having a frontage along a public street or a private street where visible from a public street. One business identification sign may be suspended from the wall or project over any frontage if approved in the manner required for its placement unless such signs are restricted by specific sub-area regulations.

(B) Two (2) business identification signs shall be allowed on the premises of businesses located on a building floor above sidewalk-level and having a frontage along a public street or a private street where visible from a public street. One business identification sign may be suspended from the wall or project over any frontage if approved in the manner required for its placement.

(C) For businesses or having frontage on more than on public street or private street, one additional business identification sign for the business establishment shall be permitted on the premises of such business, provided that no sidewalk level frontage contains more than three business identification signs and no frontage above sidewalk level contains more than two business identification signs. The total area of increase for any additional sign allowed by this subsection shall not cause all signs on a frontage to exceed 10 percent of the area of the wall area of said building occupied by such business establishment on that frontage or 60 square feet, whichever is less.

(iii) *Area*: The combined area of permitted business identification signs shall not exceed 10 percent of the total aggregate area of the walls that face the public right of way or which face a private drive and are visible from a public right of way provided however that but at least 60 square feet of combined sign area is allowed. No individual sign shall exceed 200 square feet.

(d) *Maximum Height of Business Identification Signs*: Section 16-28A.007(m) shall be supplanted for SPI 9 by the following height limitations provided however that no portion of any business identification sign shall extend above the top of the building

upon which it is located where the building height is less than the height permitted for business identification signs.

(i) Where a business establishment is permitted to have business identification signs, the following regulations shall apply:

(ii) Sidewalk-level business establishments: For such establishments signs are permitted to a maximum height of 35 feet above the adjacent sidewalk-level.

(iii) Above Sidewalk-level Business Establishments: For such establishments signs are permitted to a maximum height of 50 feet above the lowest point of the adjacent sidewalk-level on that frontage provided that

(A) The sign shall be located directly above the independent entrance to the upper floor use; or

(B) The sign shall be located directly above or adjacent to windows for such upper floor use.

(e) *Pedestrian Directories.* Pedestrian directories may be located within or on the amenity zone of public sidewalks as defined in Section 16-18I.016 in accordance with the ordinances administered by the department of public works and subject to the following limitations:

(i) No pedestrian directory shall be permitted in a public right of way without the written permission of the department of public works through a permit obtained according to the procedures for allowing such encroachments.

(ii) In addition to the required permission for encroachment, such pedestrian directories shall not be located within 400 feet of another pedestrian directory. The distance set forth in this subsection shall be measured based on the most direct route of pedestrian travel and not be limited by intervening streets or drives.

(iii) No pedestrian shall be located within 18 inches of the back of the curb.

(iv) No pedestrian directory shall exceed 36 cubic feet in size nor be greater in height than 8 feet. Displays consistent with these regulations and the regulations set forth by the department of public works shall be permitted on both sides of the pedestrian directory.

(v) No pedestrian directory shall contain any display except for that which is permitted for pedestrian way finding as set forth in the regulations of the department of public works applicable to pedestrian directories.

(f) *Shopping Center Signs:* Shopping centers shall be permitted one business identification sign in addition to the business identification signs of the businesses

therein. Said sign shall be erected as a wall sign or monument sign and shall not exceed 200 square feet in sign area. Where a shopping center has frontage on two or more streets, one additional wall sign or monument sign shall be permitted for each additional street frontage.

(g) *Signs Extending Over the Public Right-of-Way or Private Drives:* Signs extending or projecting over any property line onto sidewalk or street right-of-way or extending over a private drive and visible from a public street shall not be permitted without the written permission of the department of public works obtained according to their procedures for allowing such encroachments. Any suspended or projecting sign that extends into any private drive on the exterior of any building shall be reviewed and approved by the department of public works

(h) *General Advertising Signs Prohibited:* General advertising signs shall not be permitted.

(i) *Animated, Flashing, Changing and Internally Illuminated:* No animated, flashing, changing signs or internally illuminated shall be allowed

SECTION 2: This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.